

Judge Tsuchida

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

5095

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID MURRAY,

Defendant.

CASE NO. MJ11-

COMPLAINT for VIOLATION
21 U.S.C. § 841(a)(1)

BEFORE, Brian A. Tsuchida, United States Magistrate Judge, U. S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE
(Manufacturing Marijuana)

On or about May 12, 2011, at Kitsap County, within the Western District of Washington, DAVID MURRAY did knowingly and intentionally manufacture marijuana, a substance controlled under Title 21, United States Code, Section 812.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and Title 18, United States Code, Section 2.

The complainant further alleges the offense involved 100 or more marijuana plants.

1 I, Adam Otte, being first duly sworn on oath, depose and say:

2 **Introduction**

3 1. I am currently employed as a Special Agent with the Drug Enforcement
4 Administration (DEA), United States Department of Justice, and have been so employed since
5 2004. In that capacity, I investigate violations of the Controlled Substances Act, Title 21, United
6 States Code, Section 801, et. seq. I currently am assigned to the Seattle Division, Enforcement
7 Group D-30, Financial Investigations Team. I have completed sixteen (16) weeks of DEA Basic
8 Agent training at the Justice Training Center and FBI Academy in Quantico, Virginia. I am
9 familiar with investigations of drug trafficking organizations, methods of importation and
10 distribution of controlled substances, and financial investigations. I have participated in
11 numerous investigations involving organizations trafficking in controlled substances which have
12 resulted in arrests of drug traffickers and seizures of controlled substances. From 2005 to 2009, I
13 was a case agent on four separate Title III investigations involving organizations trafficking
14 marijuana, cocaine, methamphetamine and/or MDMA. These investigations involved interstate
15 and international drug trafficking and money laundering and resulted in the prosecution of over
16 50 defendants.

17 2. I previously acted as the case agent in a Title III investigation, which lead to the
18 federal prosecution and conviction of defendant David Murray in case CR07-418RSM for the
19 offense of conspiracy to distribute cocaine. David Murray is currently on federal supervision for
20 this offense.

21 3. During April and May 2011, I spoke with Kitsap County Detective Duane
22 Dobbins concerning the investigation of David Murray for a new criminal offense of
23 manufacturing marijuana. As further discussed below, on May 12, 2011, Detective Dobbins and
24 other members of the WESTNET (Westsound Narcotics Enforcement Team) served a search
25 warrant at Murray's residence located in Lilliwaup, Washington, and seized approximately 255
26 marijuana plants. Detective Dobbins informed Murray's United States Probation Officer of these
27 events, and a federal warrant was issued for Murray's arrest for violating his conditions of
28 supervised release. The information contained in this affidavit is based on my discussions with

1 Detective Dobbins during the investigation, my review of the Kitsap County probable cause
2 statement, and my review of the Kitsap County search warrant materials.

3 **Investigation**

4 4. On May 12, 2011, Kitsap County Detectives Fiola and Maiava posed as
5 construction workers, working in the area of David Murray's residence located at 60 North
6 Hamma Ridge Drive in Lilliwaup, Washington. Using a ruse of working in the area, the
7 detectives approached Murray's residence and noticed a strong odor of marijuana.

8 5. The detectives knocked on the front door, and David Murray opened the door,
9 revealing an even stronger odor of marijuana. After briefly speaking to Murray, the detectives
10 conducted a check through the Washington State Department of Licensing and confirmed that
11 DOL photograph of defendant David Murray matched the individual who answered the door, and
12 David Murray listed his address on his driver's license as 60 N. Hamma Ridge Drive, Lilliwaup,
13 Washington.

14 6. That same day, WESTNET officers applied for and obtained a State search
15 warrant for Murray's residence. Later that same day, members of the WESTNET task force
16 contacted Murray outside his residence, provided Murray a copy of the search warrant, and
17 advised Murray that he was being detained while officers searched his residence.

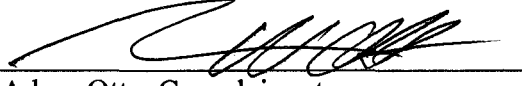
18 7. Inside the basement area of the residence, officers found four separate rooms
19 which contained approximately 255 marijuana plants in various stages of growth. Each room
20 had a separate lighting system supported by ballasts, shields and bulbs to grow marijuana. The
21 doors to these rooms were locked with a deadbolt.

22 8. Detective Dobbins participated in this search and observed the marijuana plants.
23 Detective Dobbins explained to me that he has been employed as full-time law enforcement
24 officer for the last 14 years. During this time, he has participated in over one hundred
25 investigations where he has previously seen marijuana plants, and he has personally been
26 involved with the seizure of several thousand marijuana plants. Based on his training and
27 experience, Detective Dobbins advised me that the plants recovered in Murray's residence were
28 consistent with marijuana plants that he has previously seen and seized.

1 9. On the main level of Murray's residence, in the kitchen refrigerator, officers
2 recovered four 1-gallon zip lock bags containing processed marijuana weighing 124.5 grams,
3 124.8 grams, 124.4 grams, and 124.8 grams respectively.


4 10. On the main level of the residence, in the back bedroom closet, officers recovered
5 hanging marijuana that was in the process of being dried.

6 11. Officers advised Murray of his *Miranda* rights, and Murray agreed to waive his
7 rights and answer questions. During a recorded statement, Murray told officers that the plants
8 inside his residence were marijuana, and that he was the only individual living inside the
9 residence, where he lived for the last seven years. Murray said that he sold the marijuana at a
10 price of \$750 to \$800 per quarter pound.

11 
12 Adam Otte, Complainant
13 Special Agent, Drug Enforcement Administration

14 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
15 presence, the Court hereby finds that there is probable cause to believe the Defendants committed
16 the offenses set forth in the Complaint.

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18 Dated this 19 day of May, 2011.

19 
20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
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